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Planning and Development Department
Keith Bergthold, Acting Director

Please Reply To:
Michael Sanchez
Mike.Sanchez@fresno.gov
559-621-8041

March 23, 2007

BY FACSIMILE to 916-654-3882; hard copy to follow

Mary Dyas, Project Manager
Energy Facilities Siting Division
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, California 95814

DOCKET 06-AFC-8	
DATE	MAR 23 2007
RECD.	MAR 26 2007

Dear Ms. Dyas and staff:

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION RELATED TO BULLARD ENERGY CENTER APPLICATION FOR CERTIFICATION

We met with one of the environmental consultants for Bullard Energy Center last month to explain our request for more information on the proposed facility. We provided him with the City of Fresno's standard requirements for plan submittals, a listing of necessary details for applications as authorized by Fresno Municipal Code (FMC) Section 12-406-B-1 (copies of the City application document requirements are enclosed). These details and the required format of the submitted drawings are necessary for us to evaluate a proposed project's compliance with zoning ordinance provisions, Public Works standards, and previously-certified environmental impact report parameters pertaining to the proposed project location.

FMC Section 12-405-A-2 requires that conditional use permits (CUPs, the type of special permits required for non-nuclear generating facilities which may be permitted in the City's M-3, *Heavy Manufacturing District*, pursuant to FMC Section 12-408-E-22.c) be evaluated in a comprehensive manner, in order that findings may be made relating to the appropriateness and effects of proposed projects upon areas in which these projects are located. This evaluation goes beyond a mere determination of compliance or noncompliance with specific development standards of individual zone districts. The need to make findings for approval of a CUP necessitates that many factors be taken into consideration by the City, including not only the standard graphic detail required of all site plan applications, but also additional operational detail and information related to the project setting.

Approximately one week after meeting with the consultant from Bullard Energy Center, we received their drawings and aerial photos. Planning Division staff met and evaluated the submitted materials, but found that they did not contain all the requested information in sufficient detail.

We requested additional information of Bullard Energy representatives in a meeting in our office last week, but they did not agree to supply corrected drawings or additional information.

Following is a list of graphic information and detail that we would need (with graphic information in the format specified in our enclosed application guidance documents) in order to assess compliance of the proposed project with City of Fresno requirements:

PROOF OF SERVICE / REVISED 3/17/07 FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 3/17/07

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Relating to site plan drawings, the following need to be depicted and dimensioned on the site plan:

- Square footage and proposed use of each structure proposed and existing on the property, with buildings to be removed noted as such;
- Length and width of each structure proposed and existing on the property;
- Locations and sizes of all proposed storage tanks and bins;
- Setbacks from property lines detailed/dimensioned on the drawings;
- Locations and dimensions of above-ground and below-ground utility-related equipment such as poles/towers, cabinets/vaults, backflow preventers, meters, risers, and valves;
- Locations and designated uses of all easements on the property, for access, drainage, utilities, irrigation, etc.;
- Fencing/wall locations detailed on all sides of the property and in its interior;
- Landscaping (number and types of trees & shrubs, and types of ground cover, to be planted on the site and in the required major street landscape area;
- Interior driving aisles, parking, and truck loading/unloading areas; and
- Dimensions of, and inlets and outlets to, any on-site basin, along with a description of the purpose of the basin. (If the property has drainage service provided by Fresno Metropolitan Flood Control District, why is this on-site basin being proposed? If any water other than surface runoff will be discharged into this basin, the basin needs to be depicted as an on-site disposal facility and all related monitoring and treatment equipment required by California Regional Water Quality Control Board needs to be depicted on the site plan.)

Relating to elevation drawings, the following need to be depicted and dimensioned on these drawings:

- Correct scale on the drawings (Scale on the drawings given to us was incorrect: one inch/1" actually equaled fifty feet/50' on these drawings, not the forty feet/40' stated on the drawings)
- Elevations depicted from all four cardinal directions, as well as from North Golden State Boulevard (which is a diagonal street)
- Names/uses of all the structures proposed and existing on the property, with existing structures to be removed noted as such
- Heights, widths, and lengths of all structures
- Elevation drawings should show roof-mounted equipment, such as HVAC and exhaust equipment (with the types/functions of this roof-mounted equipment noted)

(continued)

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Exterior finish information for structures and all walls and fences: materials, textures, colors, window finishes, trim details, and gate details (NOTE: Any security wire would require a special approval process pursuant to FMC Section 12-306-N-10)

Details on the proposed exterior site lighting: mounted on exterior buildings? Poles? Both? Heights of lights? Hoods on lights to shield or direct illumination? Warning lighting on stacks? (Sierra Sky Park general aviation airport is within 2.5 miles of this site.)

Details on the "chemical feed building"

Details on the "fuel gas regulating area"

Details on the transformer proposed to be located along North Golden State Boulevard (City standards do not allow above-ground utility equipment to be located in major street landscape easement areas, unless it can be adequately screened)

Relating to operational information (if any of the following items are answered by information provided in the Application for Certification, please provide page references):

Is this the ultimate extent and size of the facility? Is there any chance that one or more additional generating units or additional auxiliary buildings would be added in the future?

Is there any chance that the type of fuel substrate for this plant would change in the future?

Questions related to the acoustical study:

- (1) How can a masonry wall six feet tall (as shown on the exhibits provided to us) mitigate noise from structures and ancillary equipment several times taller?
- (2) Has the pitch (not just the volume) of facility noise been considered in any acoustical studies? (The City has found that some pump and mechanical equipment noise--perceived as a nuisance "whine"--is sufficiently disturbing to require mitigation even though decibel levels are within City Noise Ordinance standards.)
- (3) Has ground vibration been considered and mitigated?

Questions relating to water usage and proposed mitigation for that:

- (1) Has Fresno Irrigation District (FID) conclusively ruled-out a potential surface water supply for this facility, even when proposed as an exchange of surface water in lieu of groundwater pumping? If surface water supply would be possible, the exhibits would need to detail conveyance from the nearest public FID facility.
- (2) If nitrate abatement/treatment of one or more City water wells in east/southeast Fresno is part of this project as a proposed mitigation measure, details regarding the proposed treatment modality, equipment, and locations would need to be provided in the project description, and community outreach and information should be provided for persons living near those proposed treatment locations as part of the project review.
- (3) What kind of water treatment is proposed to be done on-site, and will it be for supply, or used process water, or both? How will treatment process wastes be stored/handled?

A proposed gate operational statement (required by City Public Works Department, Engineering Division, Traffic Planning Section)

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Thank you for your assistance in obtaining this information from the applicant as soon as possible, so that we can evaluate this project in conjunction with our local plans, ordinances, standards, and certified environmental documents.

We appreciate the Energy Commission's efforts to consult with and inform our department and the community regarding this proposed project, and we look forward to working with you further on the evaluation of this application.

Sincerely,
PLANNING DIVISION



Sandra L. Brock, REHS

Enclosures: SUBMITTAL REQUIREMENTS FOR ALL SITE PLANS, Planning and Development
Department (obverse of standard application form)
SUBMITTAL REQUIREMENTS CHECKLIST FOR ALL SITE PLANS, and ADDITIONAL
REQUIREMENTS, Public Works Department Engineering Division Traffic Planning
Section form (both sides)

cc: Keith Bergthold, Acting Planning and Development Director
Gil Haro, Planning Manager
Darrell Unruh, Planning Manager
Mike Sanchez, Supervising Planner
Kathryn Phelan, Deputy City Attorney
Renna Ramirez, Director of Public Utilities, City of Fresno
Lon Martin, Water Division Manager, City of Fresno Department of Public Utilities

SUBMITTAL REQUIREMENTS FOR ALL SITE PLANS

The purpose of the site (or plot) plan is to enable the Development Department to determine whether or not a proposed development conforms with Zoning Ordinance regulations. The requirements listed below are necessary to ensure proper review based on complete information and to prevent unnecessary delays in the processing of applications. Improper or incomplete site plans will not be accepted.

A. GENERAL REQUIREMENTS:

1. The plan must be drawn on a 24" by 36" or larger sheet of paper.
2. The plan shall include a vicinity map showing local and major streets and a north arrow (to the North), a legal description of the subject property, and be drawn to a scale (clearly shown under the North arrow) large enough to show all required information.
3. The plan must show the entire parcel of property described in the application. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
4. Indicate phase lines.

B. SPECIFIC INFORMATION TO BE SHOWN:

1. All existing and proposed buildings and structures, including buildings to be removed. Building should be labeled as either existing or proposed.
2. The proposed use of all buildings and structures.
3. All adjacent streets and roads and their names.
4. Access to the property: pedestrian, vehicular, and service.
5. Proposed street improvements and dedications.
6. Existing and proposed off-street parking, bicycle racks and loading areas: show location and type of paving, number of spaces (including detailed layout) and internal circulation pattern by providing the following measurements:

- Size of stalls.
- Directional flow of traffic.
- Wheel stops.
- Handicap parking.
- Width of circulation aisles.
- Handicap ramps.

7. Existing and proposed on-site lighting: location, type of fixtures, height and method of controlling glare and illumination.
8. Walls and fences: location, height, and type of material.
9. Location of existing and required public and private fire hydrants, access and fire lanes per Fire Department standards.
10. Such other information as may be pertinent to the application.

C. ELEVATIONS:

1. Exterior elevations representing all building views.
2. Composition and colors of all building exterior surfaces.
3. Dimensions to scale depicting existing and proposed buildings size and height (inclusive of all proposed roof mounted equipment).

D. LANDSCAPE PLANS

1. Indicate size, number and location of existing and proposed trees, shrubs, ground cover, etc.
2. Location of street tree wells.
3. Parking lot shading calculations.

SPECIAL PERMIT ROUTING

The City of Fresno will normally route your project to the following departments, agencies and organizations for review and comment.

____ Fresno Metropolitan Flood Control Dist.
 ____ Public Works/Traffic
 ____ Parks and Recreation
 ____ Fire Department
 ____ Public Utilities/Solid Waste Mgmt.

____ Development Planning Division
 ____ Development Building and Safety
 ____ Public Works/Engineering Services
 ____ Public Utilities/Water Division
 ____ Police Department

____ Fresno County Environmental Health
 ____ Air Pollution Control District
 ____ Fresno Irrigation District
 ____ Schools

You may expedite our review of your application if you - (1) Get written response from the above noted agencies, (2) Contact in advance, any neighborhood committees, and/or (3) Schedule a pre-application review with staff.

AGENCIES AND ORGANIZATIONS ARE GIVEN 10 DAYS TO REVIEW AND COMMENT UPON A PROJECT.

CITY OF FRESNO - *Traffic Planning Section*

SUBMITTAL REQUIREMENTS CHECKLIST FOR ALL SITE PLANS

The purpose of the site plan is to enable the Traffic Engineering Division to determine whether or not a proposed development conforms to the requirements of the City of Fresno Public Works Department. The requirements listed below are necessary to ensure proper review based on complete information and to prevent unnecessary delays in the processing of applications.

PROVIDE THE FOLLOWING INFORMATION INDICATED BY A CHECK MARK (✓):

A. GENERAL REQUIREMENTS:

PROJECT NO: _____

DATE: _____

- ☐ 1. The plan must be drawn on a 24" x 36" or larger sheet of paper.
- ☐ 2. The plan shall include a vicinity map showing local and major streets and a north arrow, a legal description of the subject property, and be drawn to a scale (clearly shown under the north arrow) large enough to show all required information.
- ☐ 3. The plan must show the entire parcel of property described in the application. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
- ☐ 4. Indicate phase lines.
- ☐ 5. All property lines and easements shall be identified and dimensioned.
- ☐ 6. Indicate scope of work.

B. SPECIFIC INFORMATION TO BE SHOWN:

- ☐ 1. Identify all existing and proposed buildings and structures, including buildings to be removed. **Building should be labeled as either existing or proposed.** Identify square footage.
- ☐ 2. Identify all existing off-site concrete improvements e.g.: curb, gutter, sidewalk and driveway approaches. Identify sidewalk and driveway approach widths. Provide a legend of all proposed and existing items.
- ☐ 3. Identify all adjacent streets and roads and their names.
- ☐ 4. Identify access to property: pedestrian, vehicular and service.
Identify all street furniture, e.g., street lights, public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required 4-foot minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if the Title 24 requirements cannot be met.
- ☐ 5. Identify center and/or section lines. Provide the dimension from the center and/or section line to the property line.
- ☐ 6. Identify median islands and their openings (specify existing or proposed).
- ☐ 7. Identify proposed street improvements, dedications and or vacations.
- ☐ 8. Identify existing and proposed off-street parking, bicycle racks and loading areas: show location and type of paving, number of spaces including a detailed layout and an internal circulation pattern by providing the following:

<input type="checkbox"/> Size of stalls	<input type="checkbox"/> Directional flow of traffic
<input type="checkbox"/> Wheel stops	<input type="checkbox"/> Disability Parking
<input type="checkbox"/> Width of circulation aisles	<input type="checkbox"/> Disability ramps
<input type="checkbox"/> Width of a walkway adjacent to parking stalls	
- ☐ 9. Identify existing and proposed on-site lighting. Specify location and clearance from parking stalls.
- ☐ 10. Identify walls and fences: location, height, and type of material.
- ☐ 11. Identify the location of existing and proposed public and private fire hydrants, access and fire lanes per City of Fresno Fire Department standards.
- ☐ 12. Such other information as may be pertinent to the application _____

*See Other Side For Additional
Requirements*

CITY OF FRESNO - Traffic Planning Section

ADDITIONAL REQUIREMENTS

PROVIDE THE FOLLOWING NOTES ON THE SITE PLAN INDICATED BY A CHECK MARK (✓):

- ☐ 1. Any survey monuments within the area of construction shall be preserved or reset by a person licensed to practice land surveying in the State of California.
- ☐ 2. Repair all damaged and/or off-grade concrete street improvements, as determined by the Construction Management Engineer, prior to occupancy.
- ☐ 3. 2 working days before commencing excavation operations within the street right-of way and/or utility easements, all existing underground facilities shall have been located by **UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-2444**
- ☐ 4. All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed unless otherwise approved by the City Engineer. Such areas shall be reconstructed with curb, gutter and sidewalk to match existing adjacent street improvements. This works shall be completed and accepted before a Permit of Occupancy is issued or the building is occupied per Fresno Municipal Code (FMC) 11-209
- ☐ 5. Submit Engineered Street Construction Plans to the Public Works Department.
- ☐ 6. Submit Street Lighting Plans to the Public Works Department, Traffic Engineering.
- ☐ 7. Deed(s) of easement(s) for the required dedication(s) shall be prepared by the owner/developer's engineer and submitted to the City with verification of ownership **PRIOR TO ISSUANCE OF BUILDING PERMITS.**
- ☐ 8. Any construction on State Highways must conform to both City of Fresno and State Division of Highways Specifications.
- ☐ 9. Construct concrete driveway approach to Public Works Standard(s) _____ and P-4.
- ☐ 10. Construct a street-type approach to Public Works Standard(s) **P-76 / P-77.**
- ☐ 11. Construct concrete curb ramp to Public Works Standard P-_____.
- ☐ 12. Construct concrete sidewalks, curbs and gutters to Public Works Standard P-5.
- ☐ 13. Install _____ feet of AC paving to Public Works Standard Specifications (To be measured from curb face).
- ☐ 14. Install 30" state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a 2" galvanized post with the bottom of the sign 7" above ground; located behind curb and immediately behind major street sidewalk. Arterial Streets: A "RIGHT TURN ONLY" sign is also required at same location, install 30" x 36" State Standard sign immediately below the "STOP" sign on the same post.
- ☐ 15. The submitted project site is located within the City of Fresno's **URBAN GROWTH MANAGEMENT (UGM) AREA. UGM IMPROVEMENTS ARE REQUIRED.** Submittal of Engineered Construction plans for Public Works approval must be made **PRIOR TO ISSUANCE OF BUILDING PERMITS.** Contact the Public Works Department, Traffic Planning Section @ 559-621-8800 for details.
- ☐ 16. Underground all existing offsite overhead utilities within the limits of this site/map as per Fresno Municipal Code (FMC) Section 12-101.1 and Resolution No. 78-522/88-229.



City of Fresno Standard Specifications
and Drawings available at
www.fresno.gov

PROJECT NO: _____



PLANNING & DEVELOPMENT DEPARTMENT
Planning Division
2600 Fresno Street
Fresno, California 93721-3604
FAX 559-498-1026

Date: 3/23/07 Time: 4:50pm

Number of pages transmitted: 8 including this transmittal sheet.

To: Mary Dyas

FAX No. 916-654-3882

Firm: CEC

Telephone No. 916-651-8891

From: SANDRA BROCK

Telephone No. 559-621-8041

Subject: Bulbair Energy Application -
Letter from City requesting more info

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE *BULLARD ENERGY
CENTER (BEC)***

**Docket No. 06-AFC-8
PROOF OF SERVICE
(Revised 3/16/07)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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Electricity Oversight Board
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Sacramento, CA 95814
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INTERVENORS

ENERGY COMMISSION

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Public Advisor
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DECLARATION OF SERVICE

I, Joann Gonzales, declare that on March 26, 2007 I deposited copies of the attached Request for Additional Information Related to Bullard Energy Center Application for Certification in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.


[signature]